


FILED**UNITED STATES DISTRICT COURT**

for the

Western District of Texas

APR 20 2017**CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY: 
DEPUTY CLERK**

United States of America)

v.)

STEVEN THOMAS BOEHLE)

Case No.

1:17-MJ-00305(ML)

*Defendant(s)***CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 12, 2017 in the county of Travis in the
Western District of Texas, the defendant(s) violated:*Code Section**Offense Description*

Title 18, Section 922(a)(6)

False Statement in Connection with Attempted Acquisition of a Firearm

Title 18, Section 922(g)(9)

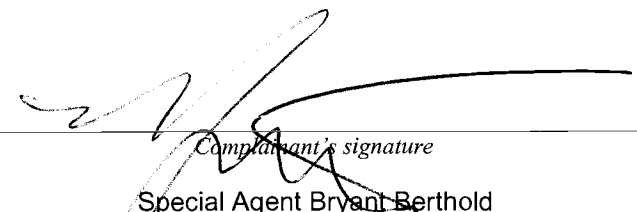
Unlawful Possession of a Firearm by a Prohibited Person

Title 18, Section 922(g)(3)

Unlawful Possession of a Firearm by a Prohibited Person

This criminal complaint is based on these facts:


See attachment.

☒ Continued on the attached sheet.
Complainant's signature

Special Agent Bryant Berthold

Printed name and title

Sworn to before me and signed in my presence.

Date: 04/20/2017
*Judge's signature*City and state: Austin, Texas

Hon. Mark Lane

Printed name and title

*Attachment in Support of an **AMMENDED** Criminal Complaint and Arrest Warrant*

The following information is a result of my investigation and information provided to me by other law enforcement sources:

Your affiant is Special Agent Bryant Berthold, who is employed by the Federal Bureau of Investigation and is currently assigned to the Joint Terrorism Task Force. Your affiant has been a special agent for over 12 years and has experience working a number of criminal offenses, including threats, bombing related offenses and firearms investigations.

Because this affidavit is submitted for the limited purpose of establishing probable cause, I have not included every fact known to me related to this investigation. Statements are presented in sum and substance. Times and dates are on or about.

In April 2017, the FBI JTTF received information that an individual identified as "Duke," the user of telephone number (512) 775-7860, was planning to conduct a mass shooting. On April 6, 2017, computerized checks of open source database systems for telephone number (512) 775-7860 identified the subscriber as "Duke Boehle," social security account number XXX-XX-0683, residing at 2307 La Casa Drive, Apartment B, Austin, Texas. Criminal history checks fully identified the subject as Steven Thomas Boehle ("Boehle"), date of birth 4/13/1967, social security account number XXX-XX-0683. On April 10, 2017, FBI Special Agent Susana Haberman spoke with an FBI confidential human source, who advised that Boehle exhibits sovereign citizen extremism ideology, and had recently attempted to purchase a firearm, but was denied. Agent Haberman conducted database checks and learned that Boehle has attempted on multiple occasions to purchase a firearm from a federal firearms licensee, but has been denied as a result of the National Instant Criminal Background Check System (NICS).

A review of Boehle's criminal history includes the following:

01/26/1993 Assault (53a-60/53a-61) - New Haven, CT
 Convicted 10/04/93, Dkt#06N-CR93-0365799-S

FBI JTTF has requested certified copies of the conviction records associated with the 1993 Assault conviction from New Haven Connecticut. On April 11, 2017, the FBI JTTF requested documentation from NICS indicating the basis upon which NICS has denied firearms purchases to Boehle. NICS provided documentation in response to the FBI JTTF request which demonstrated that the 1993 conviction for assault was a conviction of a misdemeanor crime of domestic violence as the identified victim in the assault was a co-habitant, intimate partner of Boehle's at the time of the assault.

On April 7, 2017, Special Agent (SA) Daniel Mueller, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) provided information concerning attempted firearms purchases by Boehle. Mueller advised that Boehle had made three separate attempts to purchase firearms from licensed dealers since 2002 and provided the corresponding ATF Form 4473 (Firearms Transaction Record Part 1 – Over-the-Counter) for the two most recent attempted purchases. Your affiant knows persons who purchase firearms from federal firearms license holders are required by federal law to complete and submit ATF Form 4473, which is in turn utilized in order to conduct a NICS check to determine whether or not the sale will be permitted. A NICS check results in the

cancellation of the sale of a firearm if the NICS check reveals that the proposed purchaser is prohibited from firearms possession based upon federal law.

SA Mueller advised on December 6, 2002, Boehle purchased a firearm at Just Guns, 1325 South Congress, Austin, Texas. On the ATF Form 4473, Boehle's responded "no" to question 11i, asking, "Have you ever been convicted in any court of a misdemeanor crime of domestic violence?" Mueller verified there was a NICS delay, wherein the procedure is for a firearms retailer to wait three to five days and if NICS hasn't verified denial, the dealer can proceed with the sale. Based on the criminal history information, ATF performed a denial verification due to discovering that Boehle had been designated as a person federally prohibited from firearms possession based upon the 1993 Connecticut conviction for assault due to domestic violence. The firearms transaction was subsequently denied on February 10, 2003. However, the firearm had already been released by the firearms retailer to Boehle on December 12, 2002 due to the passing of the NICS delay waiting period. ATF advised a "Firearm Retrieval" was initiated and Boehle was subsequently divested of possession of the firearm. Based upon ATF records, Boehle returned the firearm to a retailer on March 10, 2003. The firearm was further identified as a CZ Model Pistol, 7.62 x 25 mm caliber, Serial Number T14220.

On June 17, 2015, Boehle attempted to purchase two firearms at federal firearms license holder Academy Sports and Outdoors, Sunset Valley, Western District of Texas. The firearms were specifically identified as a Heritage Rough Rider Revolver, .22 caliber, Serial Number L98266, and a Smith & Wesson SD9VE Pistol, 9mm, Serial Number FWL7644. Based upon the 1993 misdemeanor conviction in Connecticut, Boehle met the federal standards (Misdemeanor Crime of Domestic Violence Conviction) under NICS for denial of purchase. Boehle was denied the firearms purchase on June 17, 2015 and no firearms were released to him. The NICS transaction number is recorded as 2XV9W7R.

A copy of the ATF Form 4473, Firearms Transaction Record, that Boehle completed for the Academy Sports and Outdoors firearms purchase transaction on June 17, 2015, shows that Boehle responded "no" to question 11i of the ATF Form 4473: "Have you ever been convicted in any court of a misdemeanor crime of domestic violence?" However, Boehle's 1993 Connecticut conviction for a misdemeanor crime of domestic violence precluded him from purchasing or possessing the firearms. Additionally, the ATF Form 4473 submitted and signed by Boehle as part of the attempt to purchase firearms from Academy Sports and Outdoors on June 17, 2015, specifically states as follows:

I certify my answers to Section A are true, correct, and complete. I have read and understand the Notices, Instructions, and Definitions on ATF Form 4473. I understand that a person who answers "yes" to any of the questions 11.b through 11.k is prohibited from purchasing or receiving a firearm. I also understand that making any false oral or written statement, or exhibiting any false or misrepresented identification with respect to this transaction, is a crime punishable as a felony under Federal law, and may also violate State and/or local law.

On December 6, 2016, Boehle attempted to purchase one firearm at Central Texas Gun Works, 321 W. Ben White Blvd., Suite 203, Austin, Western District of Texas. The firearm was

specifically identified as a FEI TEC Sub 2000 Rifle, .40 caliber, Serial Number F4B92. Based upon the 1993 misdemeanor conviction in Connecticut, Boehle met the federal standards (Misdemeanor Crime of Domestic Violence Conviction) for denial of purchase. Boehle was denied the firearm purchase on December 6, 2016 and no firearm was released to him. The NICS transaction number was recorded as 1003LY825.

A copy of the ATF Form 4473, Firearms Transaction Record, that Boehle completed for the Central Texas Gun Works firearm purchase transaction on December 6, 2016, showed that Boehle responded "no" to question 11i of the ATF Form 4473: "Have you ever been convicted in any court of a misdemeanor crime of domestic violence?" However, Boehle's 1993 Connecticut conviction for a misdemeanor crime of domestic violence precluded him from purchasing or possessing the firearm. Additionally, the ATF Form 4473 submitted and signed by Boehle as part of the attempt to purchase the firearm from Central Texas Gun Works on December 6, 2016, specifically states as follows:

I certify my answers to Section A are true, correct, and complete. I have read and understand the Notices, Instructions, and Definitions on ATF Form 4473. I understand that a person who answers "yes" to any of the questions 11.b through 11.k is prohibited from purchasing or receiving a firearm. I also understand that making any false oral or written statement, or exhibiting any false or misrepresented identification with respect to this transaction, is a crime punishable as a felony under Federal law, and may also violate State and/or local law.

On April 12, 2017, a State search warrant was executed at 615 W. St. Johns Avenue, #111, Austin, Travis County, Texas, a single-family dwelling, located within the Western District of Texas. The warrant to search was based upon a narcotics investigation conducted by the Austin Police Department, among others. Pursuant to the search warrant the following firearms and ammunition were seized by the Austin Police Department:

- Taurus Millennium PT-11 9 MM - Black/Silver - S/N: TWD56757
- Smith and Wesson M & P .45 caliber - Tan in color - S/N: HLY4347
- Hi-point S&W .40 caliber - Model JCP - Green/black in color - S/N: 7124034
- Remington Rifle rounds - 7MM - 140 Grains - 12 live rounds - 5 boxes with spent rounds
- Remington express buckshot - 12 Gauge - 14 shells
- Lellier and Bellot - 139 Grain - 20 rounds
- Winchester Steel Shot - 12 Gauge - Three boxes - 75 shells total
- Winchester Full Metal Jacket - 9MM - 40 rounds
- .22 caliber long rifle - CCI brand - 100 rounds
- Federal Hi Power 12 gauge shotgun shells - 17 shells
- Revelation box with .22 caliber rounds - 132 rounds total
- Box of Hornady lead round balls for use in a black powder gun
- Winchester 9MM rounds - 115 grain - 100 rounds
- BrassMax 9MM rounds - 115 grain - 50 rounds
- Federal 9MM rounds - 115 grain - 50 rounds
- Federal .22 caliber rounds - 40 grain - 49 rounds
- Aguila .22 caliber rounds - 40 grain - 2 boxes - 100 rounds total
- Winchester .45 auto - 230 grain - Full metal jacket - 103 rounds

- Smith and Wesson .40 caliber rounds – 86
- 20 gauge slugs – 13
- 20 gauge buck shot – 15
- 16 gauge buck shot – 83
- .410 slugs - 36

On April 12, 2017, a witness with whom Boehle was living, was interviewed by the Federal Bureau of Investigation at 615 W. St. Johns Avenue, Austin, Texas outside of Apartment #111. This witness stated that she did not own any guns or weapons, and when told weapons had been found in her apartment, she became visibly upset. The witness stated that she did not know Boehle had brought guns into her apartment. She stated Boehle had been keeping his clothes and other possessions in the closet where the guns had been located. Officers executing the search warrant did in fact recover other items belonging to Boehle from the closet where his clothing and firearms were located. This same witness later advised FBI investigators that Boehle is a habitual user of marijuana.

During the April 12, 2017, State search warrant execution, numerous items were recovered which indicate the usage of marijuana in addition to the sale of marijuana. These included numerous pipes which appeared to contain residue from previous use. Boehle also told FBI investigators that he used marijuana for a medical condition. Marijuana is a controlled substance under Title 21 of the United States Code.

On April 13, 2017, SA Susana Haberman contacted SA Daniel Mueller with the Bureau of Alcohol, Tobacco, Firearms, and Explosives to conduct a NEXUS on the firearms found in the possession of Boehle. SA Mueller has confirmed that each of the aforementioned firearms traveled in and affected interstate commerce, in that each firearm was manufactured outside of the State of Texas.

Based on the above information, probable cause exists to believe that Steven Thomas Boehle has violated Title 18, United States Code, Section 922 (a)(6) in Austin, Travis County, within the Western District of Texas, which states that:

It shall be unlawful for any person in connection with the acquisition or attempted acquisition of any firearm or ammunition from a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, knowingly to make any false or fictitious oral or written statement or to furnish or exhibit any false, fictitious, or misrepresented identification, intended or likely to deceive such importer, manufacturer, dealer, or collector with respect to any fact material to the lawfulness of the sale or other disposition of such firearm or ammunition under the provisions of this chapter.

Criminal Complaint

AUSA G. Sofer

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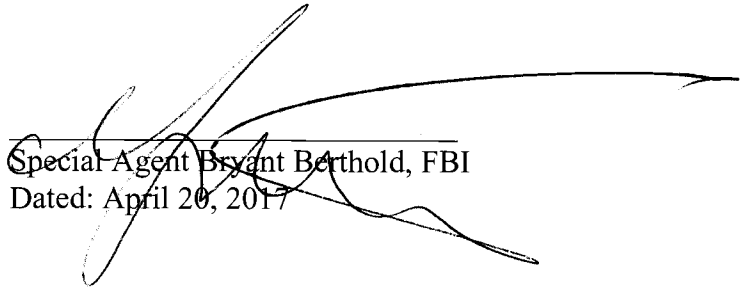
Based on the above information, probable cause also exists to believe that Steven Thomas Boehle has violated Title 18, United states Code, Section 922 (g)(9) in Austin, Travis County, within the Western District of Texas, which states that:

It shall be unlawful for any person who has been convicted in any court of a misdemeanor crime of domestic violence, to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

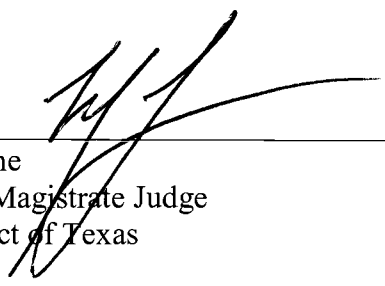
Based on the above information, probable cause also exists to believe that Steven Thomas Boehle has violated Title 18, United states Code, Section 922 (g)(3) in Austin, Travis County, within the Western District of Texas, which states that:

It shall be unlawful for any person is an unlawful user or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)), to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

Sworn to under the penalty of perjury.


Special Agent Bryant Berthold, FBI
Dated: April 20, 2017

SWORN TO BEFORE ME THIS 20TH DAY OF APRIL, 2017


Hon. Mark Lane
United States Magistrate Judge
Western District of Texas